

## KEVIN J. CONNORS

SENIOR COUNSEL



### AREAS OF PRACTICE

Insurance Services – Coverage & Bad Faith Litigation  
Appellate Advocacy & Post-Trial Practice  
Product Liability  
Employment Law  
Public Entity & Civil Rights Litigation  
Miscellaneous Professional Liability  
Environmental & Toxic Tort Litigation  
Hospitality & Liquor Liability  
Trucking & Transportation Liability  
Catastrophic Claims Litigation

### CONTACT INFO

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Suite 600, P.O. Box 8888  
Wilmington, DE 19801

### ADMISSIONS

Delaware  
1982

Pennsylvania  
1982

U.S. District Court for the District  
of Delaware  
1982

U.S. District Court Eastern District  
of Pennsylvania  
1982

U.S. Court of Appeals 3rd Circuit  
1983

### EDUCATION

Villanova University School of Law  
(J.D., 1981)

Temple Law School Academy of  
Advocacy (Fellow, 1992)

University of Virginia (B.A., with  
high distinction, 1977)

Rotary International Graduate  
Fellow, University of Vienna,  
Austria (1977-1978)

### OVERVIEW

As a member of the casualty department, Kevin handles catastrophic injury and damages claims involving product liability, construction defect, motor vehicle, fire and property claims, liquor liability, premises liability and toxic tort litigation. In addition to his extensive experience in casualty insurance defense litigation, Kevin has defended numerous defamation, commercial libel and professional malpractice cases.

Kevin also dedicates part of his practice to defending of municipal liability cases under 42 U.S.C. § 1983. He frequently represents police officers, police departments and municipalities in police liability claims, including claims for false arrest, malicious prosecution, excessive force, as well as non-police employees in claims based upon their work on behalf of the municipality. Kevin defends municipalities and government agencies against premises liability, automobile accident, property damage and related tort claims arising under state law.

Additionally, Kevin has significant experience handling employment discrimination and wrongful discharge cases under federal and state law. He routinely appears before the Delaware Human Relations Commission, the Delaware Department of Labor and in the Delaware Court of Chancery in matters of equity.

Kevin is the former longtime managing attorney of the firm's Wilmington, Delaware office. Prior to joining Marshall Dennehey in 1993, Kevin was a partner with the firm of Liebert, Short and Hirshland in Philadelphia, Pennsylvania, where he practiced law for 11 years. After graduating from law school, Kevin served as a law clerk to former Associate Justice John J. McNeilly of the Delaware Supreme Court, Delaware's highest appellate court.

### THOUGHT LEADERSHIP

#### On the Pulse...Our Wilmington, Delaware Office

##### Wilmington

##### September 1, 2019

Defense Digest, Vol. 25, No. 3, September 2019 By Kevin J. Connors, Esq.\* Defense Digest, Vol. 25, No. 3, September 2019. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

### CLASSES/SEMINARS TAUGHT

Taught seminars: strict liability, motor vehicle, and Pennsylvania and Delaware insurance law (1990-2007)

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**ASSOCIATIONS & MEMBERSHIPS**

Defense Counsel of Delaware

Defense Research Institute

Delaware Bar Association

Delaware Claims Association

Trial Attorneys of America

**PUBLISHED WORKS**

"Delaware Premises Liability," *Defense Digest*, Vol. 18, No. 3, September 2012

"The Admissibility of Vehicle Photographs and the Correlation of Minimal Damages with Minimal Injuries," *Defense Digest*, Vol. 9, No. 4, December, 2003

"Note, Commonwealth v. Bussey," 26 *Villanova Law Review* 205, 1981

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**YEAR JOINED**

1993

## SIGNIFICANT REPRESENTATIVE MATTERS

Successfully represented publisher of magazine in commercial trade libel case. Major insurer of podiatrists sued rival insurance company and publisher for advertisement claiming plaintiff would be unable to meet coverage obligations in the future. Plaintiff's claims were predicated upon interference with contracts and violation of the federal Lanham Act. Following a week-long trial, jury determined publisher was not liable under any theory. Defense verdict was upheld on appeal to Third Circuit Court of Appeals.

Jury verdict for defense in product liability action alleging manufacturing defect in electric timer caused significant property damage. Plaintiffs sought to support claim of product defect with fire cause and origin experts. Defense successfully presented independent electrical engineers and in-house experts who proved fire was caused by device not associated with the timer.

Summary judgment and affirmance on appeal by Delaware Supreme Court in wrongful death case wherein decedent's representative sought to bring a direct cause of action against plaintiff's employer. Delaware Supreme Court, in affirming matter, clarified permissible basis for bringing and supporting a direct cause of action against a plaintiff's employer. This case is often cited by defense counsel in matters involving the workers' compensation exclusivity bar.

Summary judgment entered in favor of defendant. Represented tenant store in large outlet shopping mall from which an allegedly false alarm was emitted. A police officer, attempting to respond to alarm, struck a motor vehicle, flipping it over several times. One child was killed, and there were other significant injuries to other vehicle occupants. The basis for Motion for Summary Judgment was absence of a duty of care under the factual circumstances of the case as a matter of law. Decision upheld by the Delaware Supreme Court.

Represented excavator in case wherein a gas explosion occurred and most of a city block was leveled with serious injuries to certain individuals, lesser injuries to others and questionable injuries to multiple other parties. Basis for the litigation was failure to properly mark underground utilities prior to excavation. Key issue was employment status of a particular individual. During trial, the matter successfully settled.

Jury returned verdict for defense in product liability case against power tool manufacturer. Trial featured testimony by engineering experts concerning an on/off switch on a power saw. First trial resulted in hung jury. Second trial resulted in non-suit in favor of defense. Defense demonstrated that plaintiff's expert had mixed up critical pieces of power saw, establishing that the factual basis for his opinions were invalid.

Jury verdict in favor of defendant escalator manufacturer in product liability action alleging design defect in end plate/comb plate configuration, causing plaintiff to have toes amputated. Plaintiff's expert opined that comb plate was defective in not being designed to break off in a wedge-in contact. The defense successfully demonstrated that plaintiff misused escalator and illustrated safety features of comb plate/end plate and escalator in general.

Summary judgment obtained in claim by prisoner that corporate health care provider in the state's prison system was deliberately indifferent in violation of 1983 civil rights and medically negligent in failing to afford plaintiff treatment for an allegedly serious medical condition. Plaintiff claimed he suffered from number of distinct medical conditions and had exhausted all administrative remedies prior to filing suit. Summary judgment was awarded on the grounds that plaintiff received proper medical care and failed to exhaust all administrative remedies.

Third Circuit Court of Appeals upheld Motion to Dismiss in favor of councilpersons against whom a political candidate filed a 1983 civil rights claim alleging violations of his civil rights by making defamatory remarks against him in retaliation for exercising his first amendment rights to free speech and petition. Plaintiff sought restrictions for election signs during political campaigns and spoke to defendant councilpersons opposed to proposed legislative restrictions. Plaintiff's complaint alleged that a newspaper reported that defendant councilpersons said plaintiff had made threatening remarks to them, which caused plaintiff to suffer damages and injury to his reputation. Defendants asserted plaintiff failed to demonstrate it was clearly established that an individual had a constitutional right not to be subjected to defamatory remarks in retaliation for engaging in constitutionally protected first amendment activity. The Court engaged in extended discussion of councilpersons' defense of qualified immunity and granted their Motion to Dismiss on theory of qualified immunity.